Docket No. 4887-4006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):   Charles H. Ferguson

                                 Group Art Unit: 2126

Serial No.:   09/929,854

                                 Examiner: Courtenay III, St. John

Filed: August 14, 2001

For: A SYSTEM AND METHOD FOR INTEGRATING NETWORK BASED
                    FUNCTIONALITY INTO PRODUCTIVITY APPLICATIONS

CERTIFICATE OF MAILING (37 C.F.R. §1.8(a))

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Sir:

I hereby certify that the attached:

1. Response to Restriction Requirement, and
2. Petition for a 5 month extension of time.
3. Return Receipt Postcard

along with any paper(s) referred to as being attached or enclosed and this Certificate of Mailing

are being deposited with the United States Postal Service on date shown below with sufficient

postage as first-class mail in an envelope addressed to the: Commissioner for Patents,

Washington, DC 20231.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: April 13, 2005   By: _Daniel C. Sheridan_
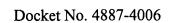
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Charles H. Ferguson, et al.

Group Art Unit: 2873

Serial No.: 10/428,429

Examiner: Evelyn A. Lester

Filed: May 2, 2003

For: OBSERVATION OPTICAL SYSTEM AND OPTICAL APPARATUS

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ALEXANDRIA, VA 22313-1450

RESPONSE TO ELECTION REQUIREMENT

In response to the Official Action dated October 12, 2004, in which the pending

claims 1-198 claims were subject to an Restriction Requirement, Applicant submits the following:

In the Official Action, restriction under 35 U.S.C. §121 is required to one of the

following groups of inventions:

Group 1: Claims 1-7, 40, 41, 55 and 56, drawn to display processing, comprising
subject matter wherein the document is prepared for visual output,
classified in class 715, subclass 526.

Group 2: Claims 8, 47, 68, 69, and 100-107 drawn to high level application
control, comprising means or steps for communication of data, commands
or messages between at least one controlling script, macro or other high
level controlling program, and at least one controlled application program,
classified in class 719, subclass 320.

Group 3: Claims 9-31, 51, 52, 61-63 drawn to EDIT, COMPOSITION, OR
STORAGE CONTROL, comprising subject matter including means or
steps for developing or changing a document wherein one or more
elements of a document (i.e., text, graphics, control, or format codes) are
added, deleted, or modified, or including means or steps for storing the
resultant altered document or the alterations, classified in Class 715,
subclass 530.

Group 4: Claims 32-39, 64-66, 76, 77 drawn to ACCESSING A REMOTE

SERVER, comprising subject matter wherein data is transferred between a remote file server and a requesting computer, classified in Class 709, subclass 219.

Group 5: Claims 42- 46, 67, 70, 75 drawn to OBJECT ORIENTED DYNAMIC LINKING, LATE BINDING, comprising subject matter wherein dynamic linking or binding occurs in the context of an object oriented environment, classified in Class 719, subclass 332.

Group 6: Claims 48 - 50 drawn to FORM FILLING, comprising subject matter wherein placing information in the location provided for such information is performed, classified in Class 715, subclass 507.

Group 7: Claims 53, 54, 57-60 drawn to MULTIPLE COMPUTER COMMUNICATION USING CRYPTOGRAPHY, comprising subject matter for cryptographically protecting the transfer of data among a plurality of spatially distributed (i.e., situated at different locations) computers or digital data processing systems via one or more communications media (e.g., computer networks) wherein the computers or digital data processing systems employ the data in data processing before or after the transferring, and wherein the transferring affects the data transfer between the computers, classified in Class 713, subclass 150.

Group 8: Claims 71-74, 78 drawn to SOFTWARE UPGRADING OR UPDATING using a NETWORK, comprising subject matter wherein the upgrading or updating is performed in one or more computer system located within a network of multiple computers, classified in Class 717, subclass 171.

Group 9: Claims 79, 80, 146, 147 drawn to SOFTWARE INSTALLATION, comprising subject matter including means or steps for setting up and preparing an operating system, application program, or other executable program for operation on a computer program, classified in Class 717, subclass 174.

Group 10: Claims 81-83 drawn to MANAGED OBJECT SYSTEM, comprising subject matter including means or steps for managing an object system that may include distributed object systems or distributed object models, classified in Class 719, subclass 316.

Group 11: Claims 84-90, 94, 99 drawn to SOFTWARE INSTALLATION including MULTIPLE FILES, comprising subject matter wherein the installation of software is performed by using software components including multiple files, classified in Class 717, subclass 175.

Group 12: Claim 92 drawn to SOFTWARE INSTALLATION including DOWNLOADING, comprising subject matter wherein the software

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components are distributed by downloading them to a computer system via network, classified in Class 717, subclass 178.

Group 13: Claims 93, 95 drawn to DIGITAL DATA PROCESSING SYSTEM INITIALIZATION OR CONFIGURATION comprising means or steps for establishing an original operating parameter or data for a computer or digital data processing system, classified in Class 713, subclass 1.

Group 14: Claims 96 - 98, 108 - 112, 117-129, 132-145 drawn to MATCHING APPLICATION PROCESS TO DISPLAYED DATA TYPE, comprising subject matter wherein processes specific to elements of different data formats within a common document are accessed and executed, classified in Class 715, subclass 516.

Group 15: Claims 113-116 drawn to CODE GENERATION comprising means or steps for facilitating creation of a list of human-readable instruction data in a programming language, classified in Class 717, subclass 106.

Group 16: Claims 130, 131 drawn to a SOFTWARE PROGRAM DEVELOPMENT TOOL comprising means or steps for operating on a computer or digital data processing system which enables a user to create and manage computer program code, classified in Class 717, subclass 100.

Group 17: Claims 91, 148-156 drawn to COMPUTER-TOCOMPUTER SESSION/CONNECTION ESTABLISHING comprising means or steps for creating a session connection between the computers, classified in Class 709, subclass 227.

Group 18: Claims 157-198 drawn to a COMPOUND DOCUMENT comprising subject matter wherein the document includes elements having different data types, classified in Class 715, subclass 515.

Applicant provisionally elects Group 2, which relates to claims 8, 47, 68, 69, and 100-107 for prosecution on the merits. This election is made with traverse, as Applicants submit that there is no undue burden to search the application as presented. Accordingly, it is respectfully submitted that the election requirement should be withdrawn and an action on the merits is respectfully requested .

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Should the Restriction and/or Election Requirement be made final, Applicants expressly reserve the right to represent the non-elected claims a divisional application, if necessary.

In conjunction with this election, Applicants offer the following remarks:

As set forth in detail on pages 5-6 of the Restriction Requirement, it is the Examiner's position that restriction for examination purposes as indicated is proper because the inventions 1-18 are related as sub-combinations disclosed as usable together in a single combination. Applicant disagrees with the Examiner's characterization of the claimed inventions in the grouping identified by the Examiner and their respective relationship to each other as stated and make the above election with traverse.

According to M.P.E.P. §803, there are two criteria for a proper requirement for restriction between patentably distinct inventions:

(1)   The inventions must be independent or distinct as claimed; **and**

(2)   There must be serious burden on the examiner if restriction is not required.

Applicant respectfully submits that (1) all groups of restricted claims are properly presented in the same application; (2) undue diverse searching would not be required; and (3) all claims should be examined together.

The Examiner has not shown that examination of all the pending claims would require undue searching and/or place a serious burden on the Examiner, which is the required showing for proper issuance of a restriction requirement. Applicants respectfully traverse the requirement for restriction at least on the grounds that searching any both of these groups of inventions would not be unduly burdensome and, in fact, would be necessary to ensure a

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complete and exhaustive search for a proper examination on the merits of either of the identified

alleged Groups of Inventions should include directed to at least each of the other inventions as

grouped in the Office Action.

Accordingly, Applicants respectfully submit that the Requirement for Restriction

is improper for at least this reason, and request that the Restriction Requirement be withdrawn

and the filed claims be examined on the merits.

In the event that a telephone conference would facilitate examination of this

application in any way, the Examiner is invited to contact the undersigned at the number

provided. Although no extensions of time are believed necessary for the timely consideration of

this Response, Applicants hereby petition for any extensions of time as deemed necessary by the

Commissioner. Furthermore, the Commissioner is hereby authorized to charge any fees which

may be required to Deposit Account 13-4500, order no. 4887-4006. A duplicate of this sheet is

attached.

An early and favorable examination on the merits is respectfully requested.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

Dated: April 13, 2005   By: Daniel C. Sheridan
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